THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.22794 OF 2005

DATE: 08th September 2006

Between:
Pagidipogu China Nasaramma,
W/o Vijaya Rajkumar, aged 25 years,
Occ: Fair Price Shop Dealer,
Badapuram, Donakonda Mandal,
Prakasam District.

... Petitioner.

And

1. The District Collector,
   Prakasam District, Ongole
   and 2 others.

... Respondents.

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ORDER:

This writ petition is filed seeking a writ of Mandamus declaring notification dated 01.10.2005 issued by the second respondent fixing the date for interview on 24.10.2005 for filling up of fair price shop dealership on permanent basis for General Category in Badapuram village, Donakonda Mandal, Prakasam district, as arbitrary and illegal.

2. It appears that petitioner belongs to S.C. community and she was appointed as fair price shop dealer in the year 2003 on temporary basis after demise of permanent dealer I.Venkateswarlu of Badapuram village, Donakonda Mandal. Since then she has

been running the shop without any complaint whatsoever from the villagers or from the officials of the Department. While so, the third respondent sent a report dated 19.7.2005 to the second respondent for filling up of vacancies of fair price shop dealers in Donakonda Mandal, along with the fair price shop in Badapuram village. In fact, Badapuram village was recommended for S.C. Community. However, the second respondent, without considering the said report dated 19.7.2005, at the behest of some political groups and the local M.L.A., issued the impugned notification calling for applications for filling up the fair price shop dealership of Badapuram village on permanent basis from General Category and fixed interview on 24.10.2005. According to the petitioner in Badapuram village, predominantly, the cardholders belong to S.C. community. There are 209 cardholders belonging to S.C. community, 150 cardholders belong to B.C. community and 74 cardholders belong to other communities. This is the reason why the third respondent sent proposals for filling up of the fair price shop dealership on permanent basis with S.C. category by taking into consideration the population and number of cards available in the village.

3. According to the learned counsel for the petitioner in view of these statistics the question of filling up of the vacancy of fair price shop dealership of Badapuram village by General Category does not arise. If at all there is any village in the entire division it is the Badapuram which requires to be reserved for S.C. community. Instead of considering this aspect respondent No.2, ignoring the recommendations of the third respondent, issued the

impugned notification which is arbitrary and illegal.

4. While admitting the writ petition it was made clear by this Court on 27.10.2005 that any selection made contrary to the guidelines issued by the Government will be subject to further orders.

5. In view of the above, the second respondent-Revenue Divisional Officer is directed to treat the very writ petition as representation filed by the petitioner and consider reserving the fair price shop dealership of Badapuram village for S.C. community and pass appropriate orders as per law within a period of four weeks from the date of receipt of a copy of this order. The Revenue Divisional Officer shall examine whether not reserving the vacancy for S.C. community is contrary to the guidelines.

6. With the above direction, the writ petition is disposed of. No order as to costs.

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C.V.RAMULU, J.

Date: 08th September 2006.
BSB